

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SEOUL

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FROM A/OS, MAYBERRY - FOR DR. PAUL T. LUEBKE, ARRIVING
SEOUL NOVEMBER 15, 1975

FOLLOWING TEL SENT ACTION DR. WILLIAM RUST, PRESIDENT, UNITED
STATES INTERNATIONAL UNIVERSITY, 10455 POMERADO ROAD, SAN
DIEGO, CALIFORNIA 92131 INFO SECSTATE FROM NAIROBI NOV 12:

QUOTE UNCLAS NAIROBI 9852

DEPT PASS LUEBKE, O/AS

E.O. 11652: N/A

TAGS: ASCH, KE

SUBJ: PROPOSED PURCHASE OF NAIROBI INTERNATIONAL SCHOOL

AT 11:00 A.M., WEDNESDAY, NOVEMBER 12, COMMUNITY
COMMITTEE INVESTIGATING PURCHASE OF NAIROBI INTER-
NATIONAL SCHOOL (NIS) WILL DELIVER FOLLOWING LETTER
OF OFFER TO DR. WARREN HAMILTON, DIRECTOR, USIS
EAST AFRICA CAMPUS. LETTER DATED NOVEMBER 12, 1975 IS ADDRESSED TO
YOU (DR. WILLIAM C. RUST) AND IS SIGNED BY CHAIRMAN
AND VICE CHAIRMAN OF COMMUNITY COMMITTEE. COMMUNITY
COMMITTEE WHICH IS CALLING ON DR. HAMILTON INCLUDES
REPRESENTATIVES OF AMERICAN EMBASSY, CANADIAN HIGH
COMMISSION, SWEDISH EMBASSY, AND PARENTS COUNCIL.
UNITED NATIONS REPRESENTATIVE HAS INFORMALLY ENDORSED
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COMMUNITY EFFORT TO BUY SCHOOL, THOUGH NEITHER UNITED

NATIONS NOR SWEDISH EMBASSY HAS TAKEN FORMAL PART IN
NEGOTIATIONS. TEXT OF LETTER IS AS FOLLOWS:

"DEAR DR. RUST:

THE INTERNATIONAL COMMUNITY OF KENYA, ACTING
THROUGH THE AD HOC COMMITTEE TO INVESTIGATE THE
PURCHASE OF THE NAIROBI INTERNATIONAL SCHOOL (NIS)
FACILITY, IS PREPARED TO OFFER THE EQUIVALENT OF
U.S. \$450,000 (FOUR HUNDRED FIFTY THOUSAND DOLLARS)
FOR THE NIS FACILITY AS DEFINED IN (1) BELOW AND
SUBJECT TO THE CONDITIONS IN (2) BELOW.

1. THE PRICE INCLUDES ALL THE FACILITIES AND
LAND SPECIFIED IN SECTIONS 7 AND 8 OF TYSONS' 'REPORT
AND VALUATION' DATED SEPTEMBER 12, 1975, SUCH AS:

- H 1) ADMINISTRATIVE BUILDINGS
- 2) ORIGP
- AL FARM HOUSE
- 3) LABORATORY BUILDINGS
- 4) STAFF QUARTERS
- 5) FIVE CLASSROOM BLOCKS
- 6) TOILET BLOCK
- 7) WATER SUPPLY
- L 8) PLAYING FIELDS
- 9) TENNIS COURTS
- 10) DRAINAGE, SITE WORKS, ETC.
- 11) LAND, APPROXIMATELY 45 ACRES

THE PRICE ALSO INCLUDES ALL THE MOVEABLE ASSETS NOW
IN PLACE AS DETAILED IN THE ATTACHED LIST DATED
NOVEMBER 7, 1975 PREPARED BY C.B. MISTRI, VALUERS.

2. THE PURCHASE IS SUBJECT TO THE FOLLOWING CONDITIONS:

1) THAT THE GOVERNMENT OF KENYA GIVES ITS
APPROVAL FOR THE PURCHASE OF NIS BY THE INTERNATIONAL
COMMUNITY OF KENYA;

2) THAT THE APPROPRIATE GOVERNMENT OF
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KENYA AND MUNICIPAL AUTHORITIES GIVE PERMISSION TO
THE UNITED STATES INTERNATIONAL UNIVERSITY (USIU) TO
SUBDIVIDE THE LAND ON WHICH THE USIU AND NIS FACILITIES
ARE LOCATED OR THAT A SUITABLE ARRANGEMENT CAN BE MADE
BETWEEN THE SELLER AND THE PURCHASER ON SUBDIVISION
SO THAT ANY DELAY IN OBTAINING CLEAR TITLE TO THE LAND
DOES NOT IMPEDE THE ABILITY OF THE PURCHASER TO OBTAIN
FINANCING;

3) THAT THE PARENTS OF THE CHILDREN AT NIS, PRESENT AT A PUBLIC MEETING, GIVE THEIR GENERAL APPROVAL FOR THE PURCHASE OF THE NIS FACILITY AT A FIXED PRICE;

4) THAT SUITABLE FINANCING ARRANGEMENTS IN ACCORDANCE WITH THE LAWS OF KENYA CAN BE OBTAINED BY THE PURCHASER;

5) THAT TITLE TO THE PROPERTY WILL BE FREE FROM ALL ENCUMBRANCES, SUCH AS LIENS OR MORTGAGES;

6) THAT THE SELLER INDEMNIFY THE PURCHASER AGAINST ALL DEBTS OR LIABILITIES INCURRED BY THE SELLER AND AGAINST ALL CLAIMS ON ANY FIXED OR MOVEABLE ASSETS, AND THAT A PORTION OF THE PURCHASE PRICE BE WITHHELD IN ESCROW FOR A PERIOD MUTUALLY AGREED UPON TO SETTLE ANY SUCH CLAIMS AS MAY ARISE;

7) THAT ANY MOVEABLE ASSETS NOT NOW IN PLACE OR NOT INCLUDED IN THE ATTACHED LIST WILL BE OFFERED FOR SALE TO THE PURCHASER AT A MUTUALLY ACCEPTABLE PRICE.

3. IN MAKING THIS OFFER, THE POTENTIAL PURCHASER NOTES:

1) THAT IN OFFERING THE EQUIVALENT OF U.S. \$450,000 FOR THE COMPLEX, ACCOUNT HAS BEEN TAKEN OF THE DIFFERENCE BETWEEN HIS VALUATIONS AND THAT PROVIDED BY THE SELLER (VIS, TYSONS' REPORT AND VALUATION UPON NAIROBI INTERNATIONAL SCHOOL). AS TYSONS DID NOT UNCLASSIFIED

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PROVIDE A DETAILED VALUATION FOR EACH ASPECT OF THE NIS COMPLEX, IT IS ASSUMED THAT THE DIFFERENCE BETWEEN EVALUATORS MAY ARISE IN PART DUE TO THE VALUATIONS PLACED ON THE LAND. ACCORDING TO THE PROFESSIONAL ADVICE AVAILABLE TO THE PURCHASER, THE LAND SHOULD BE VALUATED ACCORDING TO ITS VALUE UNDER ITS PRESENT ZONING, AND NOT IN THE EXPECTATION THAT THE ZONING COULD BE CHANGED. THE PURCHASER HAS HAD TWO SEPARATE VALUATIONS PERFORMED BY REPUTABLE NAIROBI EVALUATORS, NAMELY HUGHES AND POLKINGHORNE AND R.R. OSWALD AND COMPANY, AND BOTH PROVIDED DETAILED VALUATIONS IN THE VICINITY OF \$500,000, INCLUDING THE MOVEABLES. THE LATTER WERE EVALUATED BY C.B. MISTRI.

2) THAT THE PURCHASER WILL ATTEMPT TO MAXIMIZE

THE PERCENTAGE OF THE PURCHASE PRICE THAT CAN BE
REMITTED IN COVERTIBLE CURRENCY, IN ACCORDANCE WITH
THE LAWS OF KENYA.

4. FURTHER INFORMATION ON ANY ASPECT OF THIS
OFFER SHOULD BE OBTAINED FROM JOHN J. EDDY OF THE
AMERICAN EMBASSY, NAIROBI.

5. THIS OFFER IS VALID FOR TWO WEEKS FROM THE
DATE OF THIS LETTER.

SINCERELY,

H (S) JOHN J. EDDY
CHAIRMAN, COMMUNITY COMMITTEE INVESTIGATING
THE PURCHASE OF NAIROBI INTERNATIONALHSCHOOL

(S) H.G. PARDY
VICE CHAIRMAN, COMMUNITY COMMITTEE INVESTIGATING
THE PURCHASE OF NAIROBI INTERNATIONAL SCHOOL"
MARSHALL UNQUOTE KISSINGER

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To: SEOUL
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